

## Item SP03-13 Response Form

**Title:**    **Format for Proposed Jury Instructions** (amend Cal. Rules of Court, rule 229)

- ☐ **Agree** with proposed changes
- ☐ **Agree** with proposed changes **only if modified**
- ☐ **Do not agree** with proposed changes

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Name:** \_\_\_\_\_ **Title:** \_\_\_\_\_

**Organization:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**City, State, Zip:** \_\_\_\_\_

Please **write** or **fax** or **respond using the Internet** to:

**Address:** Ms. Romunda Price,  
Judicial Council, 455 Golden Gate Avenue,  
San Francisco, CA 94102  
**Fax:** (415) 865-7664      **Attention:** Romunda Price  
**Internet:** [www.courtinfo.ca.gov/invitationstocomment](http://www.courtinfo.ca.gov/invitationstocomment)

**DEADLINE FOR COMMENT: 5:00 P.M Friday, October 10 , 2003.**

Your comments may be written on this *Response Form* or directly on the proposal or as a letter. If you are not commenting directly on this sheet please remember to attach it to your comments for identification purposes.

*Circulation for comment does not imply endorsement by the Judicial Council or the Rules and Projects Committee. All comments will become part of the public record of the council's action.*

Title	<b>Format for Proposed Jury Instructions</b> (amend Cal. Rules of Court, rule 229)
Summary	Rule 229 would be amended to clarify and specify the format for proposed jury instructions in more detail, to preempt any local forms or rules on the format of proposed jury instructions, and to delete the requirement that a judge endorse on refused instructions the reason for refusal.
Source	Administrative Office of the Courts Task Force on Jury Instructions, Civil Subcommittee
Staff	Lyn Hinegardner, Attorney 415-865-7698 <a href="mailto:lyn.hinegardner@jud.ca.gov">lyn.hinegardner@jud.ca.gov</a>
Discussion	<p>Currently, rule 229 specifies the requirements for submitting proposed jury instructions. The amended rule would generally require proposed jury instructions to be in the format required for all papers under rule 201. The index would include a place for the judge to indicate whether the proposed instruction was given, refused, or modified.</p> <p>The current requirement that the court endorse each refused instruction was refused would be deleted. The rule would allow other methods for establishing a record of how the court ruled on proposed instructions. The court would have the option of indicating its ruling in the index or of using another method, such as stating its ruling on the record.</p> <p>The requirement for citations would be clarified. The current rule requires citations except to “forms previously approved by the court.” That language is unclear. The rule would be amended to indicate that legal citations are required unless the instruction proposed is (1) one of the Judicial Council’s approved jury instructions or (2) one of the criminal instructions approved by the Superior Court of Los Angeles County’s committee on jury instructions (CALJIC).</p> <p>Finally, the rule would preempt any local rules on the format of proposed jury instructions. A statewide uniform rule will be simpler and easier for lawyers and legal publishers to implement. The proposed rule would not affect the format of instructions given to the jury, which is left to the discretion of the court.</p>
Attachment	

Rule 229 of the California Rules of Court would be amended, effective January 1, 2004, to read:

**Rule 229. Proposed jury instructions**

~~(a) [Citation of authorities] Each proposed jury instruction presented by a party, except instructions requested by number reference to forms previously approved by the court, must contain at the bottom a citation of authorities, if any, supporting the statement of law in the instruction.~~

**(a) [Application]**

(1) This rule applies to proposed jury instructions that a party submits to the court, including:

(A) “Approved jury instructions,” meaning jury instructions approved by the Judicial Council of California or criminal jury instructions approved by the Committee on Standard Jury Instructions, Criminal, of the Superior Court of Los Angeles County; and

(B) “Special jury instructions,” meaning instructions from other sources or those specially prepared by the party.

(2) This rule does not apply to the form or format of the instructions presented to the jury, which is a matter left to the discretion of the court.

**(b) [Form and format of proposed instructions]** ~~Except as to such approved forms, each proposed instruction must be in the form specified by rule 201, indicating the party upon whose behalf it is requested. Instructions must be numbered consecutively, but not firmly bound together.~~

(1) All proposed instructions must be submitted to the court in the form and format prescribed for papers in rule 201.

(2) Each set of proposed jury instructions must have a cover page containing the caption of the case and stating the name of the party proposing the instructions and an index listing all the proposed instructions.

(3) In the index, approved jury instructions must be identified by their reference numbers and special jury instructions must be numbered consecutively. The index must contain a checklist that the court may use to indicate whether the instruction was:

(A) Given as proposed;

(B) Given as modified;

(C) Refused; or

(D) Withdrawn.

(4) Each set of proposed jury instructions must be bound loosely.

~~(e) **[Refusing proposed instructions]** Proposed instructions, except those required by law, which do not comply with this rule or with law may be refused, in which event the judge must endorse on the proposed instruction the reason for its refusal.~~

**(c) [Format of each proposed instruction]** Each proposed instruction must:

(1) Be on a separate page or pages; and

(2) Contain the instruction number and title at the top of the first page of the instruction.

**(d) [Citation of authorities]** For each special instruction, a citation of authorities that support the instruction must be included at the bottom of the page. No citation is required for approved instructions.

**(e) [Form and format are exclusive]** No local court form or rule for the filing or submission of proposed jury instructions may require that the instructions be submitted in any manner other than as prescribed by this rule.